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10/609,308	06/27/2003	David T. Campbell	MS1-1562US	8029

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EXAMINER

FIGUEROA, MARISOL

ART UNIT PAPER NUMBER

2681

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,308

Applicant(s)

CAMPBELL, DAVID T.

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-36 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 1-3, 5, 6, 8-10, and 29-33** are rejected under 35 U.S.C. 102(e) as being anticipated by **Dunn et al. U.S. Patent No. 6,591,103**.

Regarding claim 1, Dunn discloses a method comprising:

identifying the location of a user (col.3, lines 33-38; note that the location of the user is determined with respect to the location of his/her user device); determining available communication networks that provide communication services to the user (col.3, lines 40-42); selecting a particular communication network from the available communication networks (col.3, lines 42-43; 49-56); and sending instructions to service providers providing communication services to the user to forward calls to the particular communication network that is selected (col.3, lines 56-58).

Regarding claim 2, Dunn discloses the method of claim 1 wherein the identifying is performed by locating a wireless communication device with the user (col.3, lines 33-38; note that the location of the user is determined with respect to the location of his/her user device).

Regarding claim 3, Dunn discloses the method of claim 2 wherein the wireless communication device is a cellular telephone (col.4, lines 37-48; note that one of ordinary skill in the art would recognize that a handset which communicates and receives a base frequency carrier is a cellular phone).

Regarding claim 5, Dunn discloses the method of claim 2 wherein the wireless communication device connects to and identifies to a cellular network (col.4, lines 48-51; col.6, lines 61-63, 65-67).

Regarding claim 6, Dunn the method of claim 2 wherein the wireless communication device connects to and identifies to a wireless area network (col.4, lines 48-51; col.6, lines 61-63, 65-67; one of ordinary skill in the art would recognize that a wireless area network is any type of cellular/wireless network including but not limited to GSM, CDMA, TDMA, etc).

Regarding claim 8, Dunn discloses the method of claim 3 wherein the wireless communication device connects to and identifies a wireless area network (one of ordinary skill in the art would recognize that a wireless area network is any type of cellular/wireless network including but not limited to GSM, CDMA, TDMA, etc).

Regarding claim 9, Dunn discloses the method of claim wherein the selecting communication network is based on cost to operate (col.7, lines 55-56; col.8, lines 26-28).

Regarding claim 10, Dunn discloses the method of claim 1 wherein selecting the particular communication network is based on quality of service (col.9, lines 44-49).

Regarding claim 29, Dunn discloses a computer-readable medium comprising instructions for sending call forward instructions, the computer-executable instructions comprising instructions for: locating a wireless communication device (col.3, lines 33-38); finding communication networks available to a user of the wireless communication device

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(col.3, lines 38-42); determining whether to forward calls to a carrier network supporting a particular communication network (col.3, lines 42-44); sending call forwarding instructions to all service providers of the user to the carrier network if so determined (col., lines 56-58).

Regarding claim 30, Dunn discloses the computer-readable medium of claim 29 wherein the locating is performed by a GPS locator of the wireless communication device (col.3, lines 33-36).

Regarding claim 31, Dunn discloses the computer-readable medium of claim 29 wherein the locating is performed by communicating by the wireless communication device to an access point on a wireless area network (col.5, lines; 50-55).

Regarding claim 32, Dunn discloses the computer-readable medium of claim 29 wherein the finding is performed by assessing a database of the wireless communication device and comparing the determined location of the wireless communication device (col.3, lines 40-42; col.5, lines 58-60).

Regarding claim 33, Dunn discloses the computer-readable medium of claim 29 wherein the determining is performed based on lowest cost to operate communication service (col.7, lines 55-56; col.8, lines 26-28).

Regarding claim 34, Dunn discloses the computer-readable medium of claim 29 wherein the determining is performed based on quality of service of communication service (col.9, lines 44-49).

3. **Claim 27-28** are rejected under 35 U.S.C. 102(e) as being anticipated by **Bosik et al.** U.S. Patent No. 6,856,806.

Regarding claim 27, Bosik discloses a processor in a wireless communication device comprising: means for receiving information describing an RF signal from an antenna module which receives the RF signal from a communication network (col.1, lines 12-13; note

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that it is inherent that a wireless communication device e.g., mobile telephone, has an antenna to communicate with a communication network and a processor which receives RF signals to establish communication with another device/network); means for determining location of the wireless communication device in relation to the communication network (col.8, lines 48-55); means for transmitting instructions from the antenna module for service providers to forward calls to a particular carrier network (col.2, lines 31-37; col.4, lines 44-52; when the mobile telephone is close to a forwarding location as determined by a GPS transceiver that is the indication to forward a call to a landline telephone).

Regarding claim 28, Bosik discloses a processor in a wireless communication device comprising: means for receiving information describing an RF signal from an antenna module which receives GPS signals (col.8, lines 48-55); means for locating the wireless communication device and communication networks available to a user through the information (col.8, lines 48-55); and means for transmitting instructions from the antenna module for service providers to forward calls to a particular carrier network (col.2, lines 31-37; col.4, lines 44-52; when the mobile telephone is close to a forwarding location as determined by a GPS transceiver that is the indication to forward a call to a landline telephone).

4. **Claim 36** is rejected under 35 U.S.C. 102(e) as being anticipated by **Seligmann et al.** U.S. Publication No. 2004/0185839.

Regarding claim 36, Seligmann discloses a system comprising:

a wireless communication device (p.0023, lines 5-8; p.0024, lines 1-5); one or more access points on a wireless area network, wherein the wireless communication device communicates with the wireless area network through an

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access point (p.0023, lines 5-8; p.0024, lines 1-5; note that it is a standard that a wireless communication device communicates with other wireless devices through the access points of a cellular communication network); a communication device on the wireless area network that receives forwarded calls as instructed by the wireless communication device (p.0024, lines 5-11).

5. **Claims 14 and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by **Bosik et al.**

Regarding claim 14, Bosik discloses a method comprising:

connecting a wireless communication device to a wireless area network through an access point; identifying the wireless area network to the wireless communication device (col.9, lines 45-51; it is well known that in a conventional wireless network a wireless communication device within a service region of a network connects and identifies through an access point or base station); and forwarding calls to a communication device on the wireless area network accessible by a user (col.2, lines 31-47, note that the service provider of the wireless network forwards the calls to a landline telephone when it determines that a mobile telephone is at a location close to the landline telephone).

Regarding claim 15, Bosik discloses the method of claim 14 wherein the forwarding calls is to a POTS telephone (col.2, lines 31-34).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dunn et al.**

Regarding claim 4, Dunn discloses the method of claim 2, however fails to disclose wherein the wireless communication device is a personal digital assistant. It would have been obvious to one having ordinary skill in the art at the time of the invention to recognize that a personal digital assistance is a wireless communication device and is conventionally enabled to communicate with wireless networks and PDA's commonly include many of the some functions as a cell phone and are similar in use and structure.

8. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dunn** in view of **Bosik et al.**

Regarding claim 7, Dunn discloses the method of claim 1, but fails to teach wherein the selecting a particular communication network is a plain old telephone system (POTS) communication network. Bosik discloses a method for forwarding calls from a mobile telephone to a landline telephone by determining the location of the mobile and comparing it with a forwarding location (see abstract for example). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to forward calls from a mobile telephone to a landline telephone (POTS) because of the lower costs for connection compared to wireless networks.

9. **Claim 16** is rejected are rejected under 35 U.S.C. 102(a) as being unpatentable over **Bosik et al.** in view of **Hamilton U.S. Publication No. 2005/0084088**.

Regarding claim 16, Bosik discloses the method of claim 14, but fails to disclose wherein the forwarding calls is to a voice over Internet (VoIP) telephone. However Bosik discloses that his invention is not limited to the particular embodiment and is intended to

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cover modifications within the spirit of the scope of his present invention. Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention, to modify the teachings of Bosik, that instead of forwarding calls to a wireline telephone forwarding calls to a VoIP telephone because offers cost advantages over traditional Plain Old Telephone Service (POTS) telephony as taught by Hamilton (p.0079).

10. **Claims 17-21, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dunn et al.**

Regarding claim 17, Dunn discloses a wireless communication device comprising: a processor (col.10, lines 58-62); an antenna module configured to receive multiple radio frequency (RF) signals (col.4, lines 45-51; note that in order to transmit and receive a base frequency carrier a mobile unit or handset must have an antenna); and instructions stored in a memory executable on the processor (col.10, lines 58-62; the mobile unit processor executes an algorithm and is well known that a conventional mobile unit (e.g. wireless telephones) includes a memory for storing programs, instructions, etc, to be executed by the processor). Although Dunn doesn't explicitly disclose that the handset (e.g. cell phone), which communicates with base stations, comprises an antenna, a memory and, an analog to digital converter these are inherent features of a cellular phone; because the antenna receives analog signals and the processor operates on digital data. However Dunn fails to disclose wherein in the memory there are instructions to store location communication networks available to a user and determine from the digital signal information available communication networks to the user. Dunn discloses a wherein a user device with geographical location means includes algorithms to determine a desired network and a base station to initiate a connection at a particular location and time (col.7, lines 24-

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29). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention, to recognize that a list of available networks at a particular location might be stored in the wireless communication device to determine which network is suitable to access at a particular time such as a display memory for selection.

Regarding claim 18, Dunn discloses wherein calls are forwarded from one network to another based on user preferences (col.3, lines 40-44). Dunn fails to disclose wherein the forward instructions are stored in the memory. Achour discloses a subscriber unit that supports more than one voice service option (e.g. wireless network) and selects an appropriate voice service option when originating and receiving a call, the subscriber unit has a memory to store parameters values, one of these parameter are user-programmable features such as call forwarding (col.5, lines 19-30). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to store instructions of call forwarding on conditions set by the user in order to select the best service that serves the user needs (e.g. best price connection).

Regarding claim 19, Dunn discloses the wireless communication device of claim 18 wherein the call forwarding instructions are to forward calls to a particular carrier network (col.3, lines 40-44; calls are forwarded to a network which best fits the user preferences).

Regarding claim 20, Dunn discloses the wireless communication device of claim 18 wherein the conditions are based on lowest cost to operate for a particular communication service (col.7, lines 55-56; col.8, lines 26-28).

Regarding claim 21, Dunn discloses the wireless communication device of claim 18 wherein the conditions are based on quality of service for a particular communication network (col.9, lines 44-49).

Regarding claim 25, Dunn discloses the wireless communication device of claim 17 further comprising a GPS module configured to receive RF signals from GPS satellites through the antenna module and analog to digital converter indicating location of the wireless communication device (col.3, lines 33-35).

11. **Claims 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dunn et al. in view of Achour et al U.S. Patent No. 6,321,085**.

Regarding claims 22 and 23, Dunn discloses the wireless communication device of claim 17, however fails to disclose wherein the instructions are further comprised to store service set identifier numbers accessible of wireless area networks accessible by the wireless communication device. Dunn discloses a wherein a user device with geographical location means includes algorithms to determine a desired network and a base station to initiate a connection at a particular location and time (col.7, lines 24-29). Achour discloses that is known in the art that communication networks have a unique system identifier SID that transmits to subscribers units (col.4, lines 26-32). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention, to recognize that a list of available networks at a particular location might be stored in the wireless communication device with its associated system identifier SID because it is a unique identifier of a network that is conventionally used.

Regarding claim 24, Dunn discloses the wireless communication device of claim 17, but fails to disclose wherein the instructions are further comprised to store system identification number (SID) and access information of cellular networks accessible by the wireless communication device. Achour discloses that is known in the art that communication networks have a unique system identifier SID that transmits to subscribers units (col.4, lines 26-32). Therefore it would have been obvious to one having ordinary skill

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in the art at the time of the invention, to recognize that a list of available networks at a particular location might be stored in the wireless communication device with its associated system identifier SID because it is a unique identifier of a network.

12. **Claims 11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Syed et al. U.S. Patent No. 6,038,451**.

Regarding claim 11, Syed discloses a method comprising:

locating a wireless communication device (col.2, lines 42-45); identifying communication services available to the wireless communication device (col.2, lines 49-66; upon a request for routing instructions the based call forwarding service compares the location of the wireless unit with the locations of registered wireline networks to determine if is within a predetermined distance to be possible forward a call to a wireline number); and prearranging with service providers to forward calls to a carrier network (col.2, lines 49-66). However Syed fails to disclose forwarding calls to another network if communication service is not available to the wireless communication device. However it would have been obvious to one having ordinary skill in the art at the time of the invention, to establish a condition to forward calls to another network if communication service is not available with a current network caused by being in a location out of the area of coverage of a network.

Regarding claim 12, Syed discloses the method of claim 11 wherein the prearranging with service providers is to forward calls to a second communication device (col.3, lines 36-47; the calls are forwarded to telephone numbers in a subscriber record, one of ordinary skill in the art would recognize that a telephone number would be associated with a communication device such as a wireline telephone).

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Regarding claim 13, Syed discloses the method of claim 11 wherein the prearranging with service providers is to forward calls to a voice mail system of a particular communication service (col.3, lines 43-47).

13. Claim 35 is rejected under 35 U.S.C. 102(e) as being unpatentable over Dunn et al. in view of Bosik et al.

Regarding claim 35, Dunn discloses a system comprising:

a wireless communication device to locate its user relative to one or more communication networks accessible by the user (p.0007, lines 1-10); one or more service providers which receive instructions by the wireless communication device to forward received calls to a carrier network (col.3, lines 40-44). Dunn fails to address wherein a telecommunication network sends the forwarded calls to a communication device of a user. Bosik discloses a call forwarding system in where calls originally placed to a mobile telephone are routed to a wireline telephone by a service provider (col.2, lines 31-47) whenever the mobile telephone is at a forwarding location where the user is able to answer the phone. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to forward calls to another communication device associated with a user such as a wireline home phone in order to reduce the costs of receiving calls in a wireless telephone.

Allowable Subject Matter

14. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: No prior art of record suggests or renders the limitations of dependent **claim 26**.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday thru Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marisol Figueroa


JOSEPH MANCUSI
PRIMARY EXAMINER